

By: Toth

H.B. No. 39

A BILL TO BE ENTITLED

AN ACT

relating to protecting the medical freedom and bodily autonomy of employees with respect to immunization or vaccination status.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. The legislature finds that:

(1) the emergence of the COVID-19 pandemic and corresponding vaccines utilizing new mRNA technology has brought the question of personal bodily autonomy to the forefront of our national and state dialogue;

(2) the recently implemented COVID-19 passport protections extend only to patrons of businesses and not employees;

(3) the arguments in defense of customers' right-of-access to establishments, goods, and services accompanied by a freedom to move about unhindered may also be applied to protecting an individual from being made to choose between continued employment or taking a vaccine which gives them concerns due to medical reasons or reasons of conscience;

(4) a primary role of our government is to protect individual liberties, among which medical freedom and bodily autonomy are certainly numbered;

(5) employers are not otherwise prevented in Texas statute from implementing safety precautions for their employees and customers apart from immunizations or vaccinations;

SECTION 2. Chapter 21, Labor Code, is amended by adding

Subchapter H-1 to read as follows:

SUBCHAPTER H-1. DISCRIMINATION BASED ON IMMUNIZATION OR
VACCINATION STATUS

Sec. 21.421. PROHIBITED DISCRIMINATION BASED ON
IMMUNIZATION OR VACCINATION STATUS. (a) An employer commits an
unlawful employment practice if the employer fails or refuses to
hire, discharges, or otherwise discriminates against an individual
with respect to the compensation or the terms, conditions, or
privileges of employment because the individual has not received
an immunization or vaccine.

(b) A labor organization commits an unlawful employment
practice if the labor organization excludes or expels from
membership or otherwise discriminates against an individual
because the individual has not received an immunization or vaccine.

(c) An employment agency commits an unlawful employment
practice if the employment agency classifies or refers for
employment, fails or refuses to refer for employment, or otherwise
discriminates against an individual because the individual has not
received an immunization or vaccine.

SECTION 2. The following provisions are repealed:

- (1) Chapter 224, Health and Safety Code; and
- (2) Section 42.04305, Human Resources Code.

SECTION 3. The change in law made by this Act applies only
to an unlawful employment practice that occurs on or after the
effective date of this Act.

SECTION 4. This Act takes effect immediately if it receives
a vote of two-thirds of all the members elected to each house, as

1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect on the 91st day after the last day of the
4 legislative session.